

ARTICLE 2. TEXAS COMMISSION ON PRIVATE SECURITY

SECTION 2.01. Section 1702.002, Occupations Code, is amended by adding Subdivisions (1-a) and (5-a) to read as follows:

(1-a) "Board" means the Texas Private Security Board.

(5-a) "Department" means the Department of Public Safety of the State of Texas.

SECTION 2.02. Subchapter A, Chapter 1702, Occupations Code, is amended by adding Sections 1702.005 and 1702.006 to read as follows:

Sec. 1702.005. DEPARTMENT OF PUBLIC SAFETY. (a) The board created under Section 1702.021 is a part of the department. The department shall administer this chapter through the board.

(b) A reference in this chapter or another law to the Texas Commission on Private Security means the board.

Sec. 1702.006. TEXAS DEPARTMENT OF HEALTH. (a) In this section, "personal emergency response system" means an alarm system that is:

(1) installed in the residence of a person;

(2) monitored by an alarm systems company;

(3) designed only to permit the person to signal the occurrence of a medical or personal emergency on the part of the person so that the company may dispatch appropriate aid; and

(4) not part of a combination of alarm systems that includes a burglar alarm or fire alarm.

(b) Notwithstanding the other provisions of this chapter, the Texas Department of Health shall administer the provisions of this chapter that are applicable to the following persons:

(1) an alarm systems company that sells, installs, services, monitors, or responds to only personal emergency response systems;

(2) an alarm systems installer who installs, maintains, or repairs only personal emergency response systems;

(3) a manager or branch office manager of an alarm systems company described by Subdivision (1);

(4) a security salesperson who is employed by an alarm systems company described by Subdivision (1) to sell services offered by the company; and

(5) an owner, officer, partner, or shareholder of an alarm systems company described by Subdivision (1).

(c) A reference in this chapter or another law to the Texas Commission on Private Security in connection with a person described by Subsection (b) means the Texas Department of Health.

SECTION 2.03. Section 1702.021(a), Occupations Code, as amended by Chapter 1170, Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

(a) The Texas ~~Commission on~~ Private Security Board consists of ~~seven~~ ~~eight~~ members appointed by the governor with the advice and consent of the senate as follows:

(1) four public members, each of whom is a citizen of the United States;

(2) one member who[~~-~~
~~[(A)] is licensed under this chapter as a private investigator;~~
~~[(B) has been engaged as a private investigator for at least the five years preceding appointment; and~~
~~[(C) is not employed by a person who employs another member of the commission;]~~
 (3) one member who is licensed under this chapter as an alarm systems company; and ~~[who:~~
~~[(A) has been engaged as an alarm systems company for at least the five years preceding appointment; and~~
~~[(B) is not employed by a person who employs another member of the commission;]~~
 (4) one member who[~~-~~
~~[(A)] is licensed under this chapter as the owner or operator of a guard company[~~-~~~~
~~[(B) has been the owner or operator of the guard company for at least the five years preceding appointment; and~~
~~[(C) is not employed by a person who employs another member of the commission; and~~
~~[(5) one member who:~~
~~[(A) holds a license, security officer commission, or registration under this chapter;~~
~~[(B) has been engaged in activity regulated by the commission under this chapter for at least the five years preceding appointment; and~~
~~[(C) is not employed by a person who employs another member of the commission].~~

SECTION 2.04. Section 1702.025, Occupations Code, as amended by Chapter 1170, Acts of the 78th Legislature, Regular Session, 2003, and Section 1702.026, Occupations Code, are amended to read as follows:

Sec. 1702.025. TERMS; VACANCIES. (a) The board ~~[appointed commission]~~ members serve staggered six-year terms, with the terms of two or three ~~[appointed]~~ members expiring on January 31 of each odd-numbered year.

(b) If a vacancy occurs during the term of a board ~~[an appointed commission]~~ member, the governor shall appoint a new member to fill the unexpired term.

Sec. 1702.026. OFFICERS. (a) The governor shall designate one board ~~[commission]~~ member as presiding officer to serve in that capacity at the will of the governor. The governor shall designate the presiding officer without regard to race, creed, color, disability, sex, religion, age, or national origin.

(b) The board ~~[commission, including the representative of the director of the Texas Department of Public Safety if one is designated;]~~ shall elect from among its members an assistant presiding officer and a secretary to serve two-year terms beginning on September 1 of each odd-numbered year.

(c) The presiding officer of the board ~~[commission]~~ or, in the absence of the presiding officer, the assistant presiding officer shall preside at each board ~~[commission]~~ meeting and perform the other duties prescribed by this chapter.

SECTION 2.05. Subchapter D, Chapter 1702, Occupations Code, is amended by adding Section 1702.0615 to read as follows:

Sec. 1702.0615. PLACEMENT OF PRIORITY ON PROCESSING CERTAIN APPLICATIONS. (a) In performing its functions and duties under this chapter, the board shall place a high priority on processing applications for licenses, security officer commissions, and registrations filed by persons who provide protection for critical infrastructure, as defined by Section 421.001, Government Code.

(b) The board shall act on an application described by Subsection (a) as expeditiously as possible but not later than the 60th day after the date the board receives the application.

(c) This section expires December 1, 2005.

SECTION 2.06. Section 1702.022, Occupations Code, is repealed.

SECTION 2.07. Not later than February 1, 2004, the governor shall appoint the members of the Texas Private Security Board, as required under Section 1702.021, Occupations Code, as amended by this article. In appointing the initial members of the board under this section, the governor shall appoint:

- (1) two members for terms expiring January 31, 2005;
- (2) two members for terms expiring January 31, 2007;

and

- (3) three members for terms expiring January 31, 2009.

SECTION 2.08. (a) On February 1, 2004:

(1) all functions and activities performed by the Texas Commission on Private Security immediately before that date are transferred to the Texas Private Security Board of the Department of Public Safety of the State of Texas or the Texas Department of Health, as applicable;

(2) a rule or form adopted by the Texas Commission on Private Security is a rule or form of the Texas Private Security Board or the Texas Department of Health, as applicable, and remains in effect until amended or replaced by that board or department;

(3) a reference in law or an administrative rule to the Texas Commission on Private Security means the Texas Private Security Board or the Texas Department of Health, as applicable;

(4) a complaint, investigation, or other proceeding before the Texas Commission on Private Security is transferred without change in status to the Texas Private Security Board or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health, and the Texas Private Security Board or the Texas Department of Health, as applicable, assumes, as appropriate and without a change in status, the position of the Texas Commission on Private Security in an action or proceeding to which the Texas Commission on Private Security is a party;

(5) all property in the custody of the Texas Commission on Private Security is transferred to the Texas Private Security Board or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health; and

- (6) the unexpended and unobligated balance of any

money appropriated by the legislature for the Texas Commission on Private Security is transferred to the Texas Private Security Board or the Texas Department of Health, as determined by a memorandum of understanding between the Department of Public Safety of the State of Texas and the Texas Department of Health.

(b) Before February 1, 2004, the Texas Commission on Private Security may agree with the Department of Public Safety of the State of Texas and the Texas Department of Health to transfer any property of the Texas Commission on Private Security to the Department of Public Safety of the State of Texas or the Texas Department of Health to implement the transfer required by this article.

(c) During the period beginning on the effective date of this article and ending on February 1, 2004, the Texas Commission on Private Security shall continue to perform functions and activities under Chapter 1702, Occupations Code, as if that chapter had not been amended by this article, and the former law is continued in effect for that purpose.